



Substitute House Bill No. 5743

Public Act No. 17-111

AN ACT CONCERNING HATE CRIMES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46a-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability or physical disability.

(b) Any person who intentionally desecrates any public property, monument or structure, or any religious object, symbol or house of religious worship, or any cemetery, or any private structure not owned by such person, shall be in violation of subsection (a) of this section. For the purposes of this subsection, "desecrate" means to mar, deface or damage as a demonstration of irreverence or contempt.

(c) Any person who places a burning cross or a simulation thereof on any public property, or on any private property without the written

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consent of the owner, and with intent to intimidate or harass any other person or group of persons, shall be in violation of subsection (a) of this section.

(d) Any person who places a noose or a simulation thereof on any public property, or on any private property without the written consent of the owner, and with intent to intimidate or harass any other person on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability or physical disability, shall be in violation of subsection (a) of this section.

(e) [Any] (1) Except as provided in subdivision (2) of this subsection, any person who violates any provision of this section shall be guilty of a class A misdemeanor and shall be fined not less than one thousand dollars, except that if property is damaged as a consequence of such violation in an amount in excess of one thousand dollars, such person shall be guilty of a class D felony and shall be fined not less than one thousand dollars.

(2) Any person who violates the provisions of this section by intentionally desecrating a house of religious worship (A) shall be guilty of a class D felony and shall be fined not less than one thousand dollars if property is damaged as a consequence of such violation in an amount up to and including ten thousand dollars, and (B) shall be guilty of a class C felony and shall be fined not less than three thousand dollars if the property damaged as a consequence of such violation is in an amount in excess of ten thousand dollars.

(3) The minimum amount of any fine imposed by the provisions of this section may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

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(4) The court may order restitution for any victim of a violation of this section pursuant to subsection (c) of section 53a-28.

Sec. 2. Subsection (a) of section 53a-30 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) When imposing sentence of probation or conditional discharge, the court may, as a condition of the sentence, order that the defendant:

- (1) Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip the defendant for suitable employment;
- (2) undergo medical or psychiatric treatment and remain in a specified institution, when required for that purpose;
- (3) support the defendant's dependents and meet other family obligations;
- (4) make restitution of the fruits of the defendant's offense or make restitution, in an amount the defendant can afford to pay or provide in a suitable manner, for the loss or damage caused thereby and the court may fix the amount thereof and the manner of performance;
- (5) if a minor, (A) reside with the minor's parents or in a suitable foster home, (B) attend school, and (C) contribute to the minor's own support in any home or foster home;
- (6) post a bond or other security for the performance of any or all conditions imposed;
- (7) refrain from violating any criminal law of the United States, this state or any other state;
- (8) if convicted of a misdemeanor or a felony, other than a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any offense for which there is a mandatory minimum sentence which may not be suspended or reduced by the court, and any sentence of imprisonment is suspended, participate in an alternate incarceration program;
- (9) reside in a residential community center or halfway house approved by the Commissioner of Correction, and contribute to the cost incident to such residence;
- (10) participate in a program of

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community service labor in accordance with section 53a-39c; (11) participate in a program of community service in accordance with section 51-181c; (12) if convicted of a violation of subdivision (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13) if convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as defined in section 54-250, or of a felony that the court finds was committed for a sexual purpose, as provided in section 54-254, register such person's identifying factors, as defined in section 54-250, with the Commissioner of Emergency Services and Public Protection when required pursuant to section 54-251, 54-252 or 54-253, as the case may be; (14) be subject to electronic monitoring, which may include the use of a global positioning system; (15) if convicted of a violation of section 46a-58, as amended by this act, 53-37a, 53a-181j, as amended by this act, 53a-181k, as amended by this act, or 53a-181l, as amended by this act, participate in an anti-bias [crime education program] or diversity awareness program or participate in a program of community service designed to remedy damage caused by the commission of a bias crime or otherwise related to the defendant's violation; (16) if convicted of a violation of section 53-247, undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the defendant; or (17) satisfy any other conditions reasonably related to the defendant's rehabilitation. The court shall cause a copy of any such order to be delivered to the defendant and to the probation officer, if any.

Sec. 3. Section 53a-61aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is guilty of threatening in the first degree when such person (1) (A) threatens to commit any crime involving the use of a

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hazardous substance with the intent to terrorize another person, to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such terror, evacuation or inconvenience; (2) (A) threatens to commit any crime of violence with the intent to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such evacuation or inconvenience; (3) commits threatening in the second degree as provided in section 53a-62, as amended by this act, and in the commission of such offense such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, shotgun, rifle, machine gun or other firearm; or (4) violates subdivision (1) or (2) of this subsection with the intent to cause an evacuation of a building or the grounds of a (A) house of religious worship, (B) religiously-affiliated community center, (C) public or nonpublic preschool, school or institution of higher education, or (D) day care center, as defined in section 19a-87g, during operational, preschool, school or instructional hours or when a building or the grounds of such house of worship, community center, preschool, school, [or] institution or day care center are being used for the provision of religious or community services, or house of worship, community center, preschool, school, [or institution-sponsored] institution or day care center-sponsored activities. No person shall be found guilty of threatening in the first degree under subdivision (3) of this subsection and threatening in the second degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

(b) For the purposes of this section, "hazardous substance" means any physical, chemical, biological or radiological substance or matter which, because of its quantity, concentration or physical, chemical or

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infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health and "religiously-affiliated community center" means real property used for the provision of recreational, social or educational services that is owned or leased by a nonprofit organization that holds such property out as being affiliated with an organized religion.

(c) Threatening in the first degree is a class D felony, except that a violation of subdivision (4) of subsection (a) of this section is a class C felony.

Sec. 4. Section 53a-62 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is guilty of threatening in the second degree when: (1) By physical threat, such person intentionally places or attempts to place another person in fear of imminent serious physical injury, (2) (A) such person threatens to commit any crime of violence with the intent to terrorize another person, or (B) such person threatens to commit such crime of violence in reckless disregard of the risk of causing such terror, or (3) violates subdivision (1) or (2) of this subsection and the person threatened is in a building or on the grounds of a (A) house of religious worship, (B) religiously-affiliated community center, (C) public or nonpublic preschool, school or institution of higher education, or (D) day care center, as defined in section 19a-87g, during operational, preschool, school or instructional hours or when a building or the grounds of such house of worship, community center, preschool, school, [or] institution or day care center are being used for the provision of religious or community services, or house of worship, community center, preschool, school, [or institution-sponsored] institution or day care center-sponsored activities.

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(b) For the purposes of this section, "religiously-affiliated community center" has the same meaning as provided in section 53a-61aa, as amended by this act.

[(b)] (c) Threatening in the second degree is a class A misdemeanor, except that a violation of subdivision (3) of subsection (a) of this section is a class D felony.

Sec. 5. Section 53a-181j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is guilty of intimidation based on bigotry or bias in the first degree when such person maliciously, and with specific intent to intimidate or harass another person because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person, causes [serious] physical injury to such other person or to a third person.

(b) Intimidation based on bigotry or bias in the first degree is a class C felony, for which three thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

Sec. 6. Section 53a-181k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is guilty of intimidation based on bigotry or bias in the second degree when such person maliciously, and with specific intent to intimidate or harass another person or group of persons because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons, does any of the following: (1) Causes physical contact with such other person or group of persons, (2) damages, destroys or defaces any real or personal property of such other person or group of persons, or (3) threatens, by word or act, to do an act

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described in subdivision (1) or (2) of this subsection, if there is reasonable cause to believe that an act described in subdivision (1) or (2) of this subsection will occur.

(b) Intimidation based on bigotry or bias in the second degree is a class D felony, for which one thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

Sec. 7. Section 53a-181l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is guilty of intimidation based on bigotry or bias in the third degree when such person, with specific intent to intimidate or harass another person or group of persons because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or persons: (1) Damages, destroys or defaces any real or personal property, or (2) threatens, by word or act, to do an act described in subdivision (1) of this subsection or advocates or urges another person to do an act described in subdivision (1) of this subsection, if there is reasonable cause to believe that an act described in said subdivision will occur.

(b) Intimidation based on bigotry or bias in the third degree is a class [A misdemeanor] E felony, for which one thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

Sec. 8. (NEW) (*Effective October 1, 2017*) (a) There shall be a State-Wide Hate Crimes Advisory Council within the Office of the Chief State's Attorney, for administrative purposes only. Members of the council shall include (1) the following, or their designees: The Chief State's Attorney; the Chief Public Defender; the Commissioner of

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Emergency Services and Public Protection; the president of the Connecticut Bar Association; the president of the George W. Crawford Black Bar Association; the president of the South Asian Bar Association of Connecticut; the president of the Connecticut Asian Pacific American Bar Association; the president of the Connecticut Hispanic Bar Association; and the president of the Connecticut Police Chiefs Association; and (2) no more than thirty appointed by the Governor who are representatives of organizations committed to decreasing hate crimes, improving diversity awareness or representing the interests of groups within the state protected by sections 53a-181j to 53a-181l, inclusive, of the general statutes, as amended by this act.

(b) The Governor shall appoint two chairpersons of such council from among the members of the council.

(c) The council shall meet at least semiannually to encourage and coordinate programs to increase community awareness and reporting of hate crimes and to combat such crimes and make recommendations for any legislation concerning such crimes, including, but not limited to, recommendations concerning restitution for victims of such crimes, community service designed to remedy damage caused by any such crime or that is related to the commission of any such crime and additional alternative sentencing programs for first time offenders and juvenile offenders.

(d) Not later than October 1, 2018, and annually thereafter, the council shall report, in accordance with the provisions of section 11-4a of the general statutes, its recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and public safety.

Sec. 9. Section 51-279d of the general statutes is repealed. (*Effective October 1, 2017*)

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Approved June 9, 2017